

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

Walnuts Grown in California; Proposed Free and Reserve Percentages for the 1980-81 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites written comments on marketing percentages for California walnuts during the 1980-81 season. The estimated 1980 walnut production is in excess of domestic markets, and the proposal is intended to tailor the supply to domestic needs. Excess supplies would be available chiefly for export. The percentages were recommended by the Walnut Marketing Board. The Board works with USDA in administering the Federal marketing order for California walnuts.

DATES: Comments must be received by December 10, 1980.

PROPOSED EFFECTIVE DATES: August 1, 1980, through July 31, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for inspection during business hours.

FOR FURTHER INFORMATION CONTACT:

J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5053. The Final Impact Statement describing the options considered in developing this proposal and the impact of implementing each option is available on request from J. S. Miller.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified not "significant".

J. S. Miller has determined that an emergency situation exists which warrants less than a 60-day comment period. Handlers will be receiving, processing, and marketing 1980 crop walnuts in volume soon. Therefore, they must know as soon as possible what marketing percentages will be effective for the 1980-81 marketing year so they can plan their operations.

The proposal under consideration pertains to establishing free and reserve percentages for California walnuts of 71 percent and 29 percent, respectively, for the 1980-81 marketing year. The 1980-81 marketing year began August 1, 1980.

The marketing percentages would be established pursuant to § 984.45 of the marketing agreement, and order No. 984, both as amended (7 CFR Part 984), regulating the handling of walnuts grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Walnut Marketing Board's recommendation is based on estimates for the current marketing year of supply, and inshell and shelled trade demands, adjusted for handler carryover. The total 1980-81 supply subject to regulation is estimated at 192.5 million pounds kernelweight. Inshell and shelled trade demands adjusted for handler carryover are estimated at 32.4 and 104.4 million pounds kernelweight, or a total adjusted trade demand of 136.8 million pounds kernelweight. Dividing this by the total 1980-81 supply subject to regulation of 192.5 million pounds kernelweight, and rounding to the nearest full percent results in a free percentage of 71 percent. Subtracting the resulting free percentage from 100 percent results in a reserve percentage of 29 percent.

The proposed marketing percentages would establish the supply of merchantable walnuts available to the domestic inshell and shelled markets at maximum quantities that reasonably can be expected to be utilized during the 1980-81 season, while also providing an ample supply of walnuts for use next year until the 1981 crop is available for market. The supplies in excess of 1980-81 domestic needs would be for export, oil, feed, or other outlets noncompetitive with outlets for free merchantable walnuts.

The proposal is as follows:

§ 984.226 Free and reserve percentages for California walnuts during the 1980-81 marketing year.

The free and reserve percentages for California walnuts during the marketing year beginning August 1, 1980, shall be 71 percent and 29 percent, respectively.

Dated: November 19, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 36568 Filed 11-21-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 993

[Docket No. F&V AO 201-A8]

Dried Prunes Produced in California; Hearing on Proposed Amendment of the Marketing Agreement, as Amended and Order, as Amended

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed amendment.

SUMMARY: The hearing is being held to consider proposed changes in the dried prune marketing agreement and order. The principle issues to be considered would (1) Eliminate the need for the Prune Administrative Committee to determine annually whether or not to establish an undersized regulation for dried prunes; (2) change the name of the Committee to the Prune Marketing Committee; (3) provide for a public member and alternate on the Committee; and (4) specify the basis for sharing Committee representation among cooperative marketing associations. Also to be considered are a number of proposed changes of a minor nature.

DATE: The hearing will be held on December 2, 1980, at 9:00 a.m., local time.

ADDRESS: Hearing Location: Room 543, 211 Main St., San Francisco, Calif.

FOR FURTHER INFORMATION CONTACT:

J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-5053. The Draft Impact analysis describing the options considered in developing this notice of hearing and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement, as amended, and Order No. 993, as amended, regulating the handling of dried prunes produced in California.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

This proposed action has been reviewed under the USDA procedures established in the Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified significant.

Proposed By the Prune Administrative Committee

Proposal No. 1

Section 993.21c is revised to read as follows:

§ 993.21c Salable prunes.

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if no reserve percentage is in effect for a crop year, all prunes, excluding the quantity of undersized prunes determined pursuant to § 993.49(c), received by handlers from producers and dehydrators during that year.

Proposal No. 2

Section 993.24 is amended by revising the introductory paragraph and adding a new paragraph (e) to read as follows:

§ 993.24 Establishment and membership.

A Prune Marketing Committee (herein referred to as the "Committee"), consisting of 22 members with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom with their respective alternates, 14 shall represent producers, 7 shall represent handlers, and 1 shall represent the public. Committee membership shall be allocated in accordance with the following grouping with the alternate positions identically allocated:

(e) The public member shall have no

financial interest in the prune industry.

Section 993.27 is revised to read as follows:

§ 993.27 Eligibility.

Producer members of the Committee shall be at the time of their selection, and during their term of office, a producer in the group, and if to represent a district also a producer in the district for which selected, and, except for producer members representing cooperative producers, shall not be engaged in the handling of prunes either in a proprietary capacity or as a director, officer, or employee. Handler members of the Committee shall be handlers in the group they represent or directors, officers, or employees of such handlers. These requirements shall not apply to the public member and alternate member.

In Section 993.28 a new paragraph (e) is added to read as follows:

§ 993.28 Nominees.

(e) The producer and handler members of the Committee selected for new term of office shall nominate a public member and alternate member at the first meeting following their selection.

Proposal No. 3

Section 993.28(b) is revised to read as follows:

§ 993.28 Nominees.

(b) Nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes before April 16 of each year in which nominations are made. The number of cooperative producer members and handler members to be nominated by each cooperative marketing association shall bear, as near as practicable, the same percentage as each cooperative marketing association's tonnage of prunes handled as first handler thereof bears to the total tonnage handled by all cooperative marketing associations as first handlers thereof during the crop year preceding such nomination year.

Proposal No. 4

Section 993.33 is revised to read as follows:

§ 993.33 Voting procedure.

Decisions of the Committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size

regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes. A quorum shall consist of at least 13 members of whom at least 8 must be producer members and at least 4 must be handler members. Except in case of emergency, a minimum of 5 days advance notice must be given with respect to any meeting of the Committee. In case of an emergency, to be determined within the discretion of the chairman of the Committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption.

Proposal No. 5

Section 993.49(c) is revised to read as follows:

§ 993.49 Incoming regulation.

(c) In any crop year no handler shall receive prunes from producers or dehydrators, other than as undersized prunes, which pass freely through a round opening as follows: For French prunes the diameter of the round opening shall be 23/32 of an inch, and for non-French prunes the diameter of the round opening shall be 28/32 of an inch: *Provided*, That the Secretary upon a recommendation of the Committee, may establish larger openings whenever it is determined that supply conditions for a crop year warrant such regulation. The quantity of undersized prunes in any lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

Proposal No. 6

Section 993.53 is revised to read as follows:

§ 993.53 Above parity situations.

The minimum standards, the minimum sizes, including the minimum undersized regulation prescribed in § 993.49(c), and the provisions of this part relating to administration shall continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity levels specified in section 2(1) of the act.

Proposal No. 7

Section 993.55 is revised to read as follows:

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall remain in effect in the subsequent crop year until salable and reserve percentages are established for that crop year. After such percentages are established, all reserve obligations shall be adjusted to the newly established percentages.

Proposed By the U.S. Department of Agriculture**Proposal No. 8**

Make such changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice may be obtained from the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be inspected there.

Signed at Washington, D.C. on: November 18, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-36611 Filed 11-21-80; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION**10 CFR Part 50****Domestic Licensing of Production and Utilization Facilities; Fracture Toughness Requirements for Nuclear Power Reactors****Correction**

In FR Doc. 80-35207, appearing at page 75536, in the issue of Friday, November 14, 1980, make the following correction:

On page 75538, Appendix H, third column the formula in the third line from

the bottom of the page should read "(E>1MeV)".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 80-NW-52-AD]

Airworthiness Directives: All Boeing 720 and 720B airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: Airworthiness Directive (AD) 80-15-10 Amendment 39-3856 (45 FR 49910 July 28, 1980) required a one-time high frequency eddy current inspection of wing lower surface stringers 5 and 7 between wing stations (WS) 265 and 470 on all 720 and 720B airplanes. Five operators had reported cracks in these stringers and/or adjacent skins on five different airplanes. If the skin is cracked in combination with a complete severance of a stringer, a situation may exist in which limit load cannot be carried. The purpose of the one-time inspection was to provide immediate protection for the fleet while also allowing time to evaluate the damaged structure so that suitable reinspection intervals could be determined. Following engineering evaluation, reinspection intervals have been determined and are proposed herein to require repetitive inspections for the affected stringers and wing skins.

DATES: Comments must be received on or before January 1, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 80-NW-52-AD, East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, P. E. Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communication should identify the regulatory docket or notice

number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM's

Any person may obtain a copy of this notice or proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rule Docket, Docket No. 80-NW-52-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion of the Proposed Rule

Five operators reported cracks in the wing lower skin and/or stringers 5 and 7 on five airplanes which had accumulated 26,000 to 50,900 landings (20,100 to 47,000 flight hours). On two airplanes, stringer 5 was severed at W.S. 374 and 379; on two other airplanes stringer 7 was severed at W.S. 310 and 346. Stringer 7 was found partially severed on a fifth airplane. Seven skin cracks were found at the affected stringers at W.S. 308, 310, 346, 351, 374, and 379. These cracks varied in length from 0.75 to 8.0 inches. Cracking was attributed to fatigue.

The severance of stringers 5 and/or 7 in conjunction with skin cracks in the same area will impose an additional load on adjacent stringers and skin. Failure to detect skin cracks prior to their growing to a critical length, in combination with a severed stringer, will result in degradation of the wing lower surface strength below regulatory fail-safe load requirements. For this reason, AD 80-15-10 required a one-time high frequency eddy current inspection of the 720/720B fleet. It is anticipated that repetitive inspection requirements would be developed based on the results of this initial inspection analysis of the original cracks.

After extensive evaluation of the original crack data, repeat inspections of the two affected stringers by means of low frequency eddy current techniques at intervals of 2,860 landings are proposed. The AD is proposed to be

amended to make the repeat inspection mandatory.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by amending AD 80-15-10 (Amendment 39-3852 45 FR 49910, July 28, 1980) as follows:

Change paragraphs A and B to read as follows:

A. Within 500 landings after the effective date of this Amendment and thereafter at intervals not to exceed 2,860 landings, conduct a low frequency eddy current inspection of the wing lower surface for cracks in the stringer/skin between wing stations 265 and 470 and stringers 5 and 7 in accordance with Boeing Service Bulletin A3395 Revision 2, dated October 10, 1980, or later FAA approved revisions or in a manner approved by the Chief, Seattle Area Aircraft Certification Office. Skin/stringers found cracked, must be repaired prior to further flight in a manner approved by the Chief, Seattle Area Aircraft Certification Office.

B. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 1034; February 26, 1979).

Issued in Seattle, Wash., on November 12, 1980.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 80-36510 Filed 11-21-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

(Airspace Docket No. 80-AAL-22)

Establishment of Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Federal Airways, V-388, between Anchorage, Alaska, and Kenai, Alaska, and G-6, between St. Marys, Alaska, and Sparrevohn, Alaska, via Aniak, Alaska. The need for these airways is prompted by significant increase of air traffic between Anchorage and Kenai and between Sparrevohn, Aniak, and St. Marys Airports. Establishment of these routes would result in improved procedures for air traffic control (ATC) by allowing

more efficient use of controlled airspace, thereby reducing delays to users.

DATES: Comments must be received on or before December 24, 1980.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Alaskan Region,
Attention: Chief, Air Traffic Division,
Docket No. 80-AAL-22, Federal
Aviation Administration, P.O. Box 14,
701 C Street, Anchorage, Alaska
99513.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules
Docket (AGC-204), Room 916, 800
Independence Avenue, SW.,
Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
Jack Overman, Airspace Regulations
Branch (AAT-230), Airspace and Air
Traffic Rules Division, Air Traffic
Service, Federal Aviation
Administration, 800 Independence
Avenue, SW., Washington, D.C. 20591;
telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before December 24, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of

Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.103 and § 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would establish Federal Airways V-388, between Anchorage, Alaska, and Kenai, Alaska, and G-6 between St. Marys, Alaska, and Sparrevohn, Alaska, via Aniak, Alaska. Establishment of the V-388 airway would provide more efficient ATC services between Anchorage and Kenai. The need for V-388 is prompted by the significant increases of air traffic between Anchorage and the Kenai Airports, especially during the annual fish harvest. The establishment of this airway would allow specific procedures to be established and the initiation of flow patterns for single direction traffic, thus eliminating head-on traffic situations. The airway would allow these procedures to be used even in a nonradar environment should the Center encounter periods of radar outages and would reduce delays to users.

The need for Green 6 is dictated by significant increases in air traffic between Sparrevohn, Aniak, and St. Marys Airports, and the need for air traffic control between the transition areas for the affected airports. The establishment of the airway would cancel the nonpart 95 route already established and at the same time allow controllers to more accurately determine the protected airspace for each aircraft and to provide for a more efficient use of airspace, thereby reducing delays to users. Section 71.103 and § 71.125 of Part 71 were republished in the *Federal Register* on January 2, 1980 (45 FR 305, 342).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.103 and § 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 305, 342) as follows:

1. Add "G-6 From St. Marys, Alaska, NDB via Aniak, Alaska, NDB to Sparrevohn NDB."

2. Add "V-388 From Anchorage, Alaska, to INT Anchorage 173°M(198°T) and Kenai, Alaska, 037°M(062°T); Kenai, Alaska."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive

Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on November 14, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-36519 Filed 11-21-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-AAL-20]

Alteration of Low Frequency Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign Green Airway 10 between Elfee, Alaska, NDB and Port Heiden, Alaska, NDB. The present alignment of G-10 from Humboldt, Alaska, NDB has proven to be unusable. The realignment would enhance the traffic flow in the area.

DATES: Comments must be received on or before December 24, 1980.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Alaskan Region,
Attention: Chief, Air Traffic Division,
Docket No. 80-AAL-20, Federal
Aviation Administration, P.O. Box 14,
701 C Street, Anchorage, Alaska
99513.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules
Docket (AGC-204), Room 916, 800
Independence Avenue, SW.,
Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Lewis Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before December 24, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.103 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would realign Green Airway 10 from Elfee, Alaska, NDB to Port Heiden, Alaska, NDB. The present alignment of G-10 utilizing the Humboldt, Alaska, NDB 345° bearing is not usable, according to flight check data. In lieu of revoking that portion of G-10 between Humboldt NDB and G-8, the FAA believes Air Traffic Control would be enhanced by this realignment and it would also aid flight planning. Section 71.103 of Part 71 was republished in the *Federal Register* on January 2, 1980, (45 FR 305).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.103 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 305) as follows:

Under § 71.103 Green Federal Airways

G-10 is rewritten to read as follows:

G-10 From Alfee, Alaska, NDB via INT Elfee NDB 041°T(024°M) and Port Heiden, Alaska, NDB 248°T(229°M) bearings; Port Heiden NDB; 67 miles 12 AGL, 77 miles 85 MSL, 67 miles 12 AGL, to Woody Island, Alaska, NDB.

(Secs 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on November 18, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-36518 Filed 11-21-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ANW-17]

Proposed Alteration of 1200' Transition Area, Spokane, Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter transition airspace in the vicinity of Pullman, Washington, to more fully utilize the airspace for arriving and departing aircraft.

DATES: Comments must be received on or before January 2, 1981.

ADDRESSES: Send comments on the proposal in triplicate to:

Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location:

Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT:

Robert L. Brown, Airspace Specialist, Operations, Procedures and Airspace Branch, (ANW-534), Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA

Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rule making by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 80-ANW-17." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rule Making by submitting a request to the Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, ANW-530, Northwest Region, FAA Building, Boeing Field, Seattle, Washington, 98108 or by calling (206) 767-2610. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Spokane, Washington, 1200 foot transition area. This proposal would allow assignment of significantly lower altitudes for

aircraft on direct routes or radar vectors from the Lewiston and Pullman areas to Spokane, Washington. The description of this transition area under Part 71 was republished on January 2, 1980. (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445), as follows:

Spokane, Washington [Amended]

By amending the description beginning on line 11 by inserting the words "area bounded on the east by a line parallel to and 10 miles east of V253, on the south by V536, on the west by the east edge of V112E; that airspace southeast of Spokane extending upward from 6,000 feet MSL, bounded on the north by the arc of a 38 mile radius circle centered on the Fairchild AFB, on the northeast by V-2S, on the southeast by the arc of the 52 mile radius area, on the southwest by a line parallel to and 10 miles northeast of V253, that airspace southeast of Spokane extending upward from 7,000 feet MSL bounded on the northwest by the 52 mile radius area, on the north by V2S, on the southeast by the north edge of V536 and on the southwest by a line parallel to and 10 miles northeast of V253."

This amendment is proposed under the authority of (Sec. 307(a), 313(a), and 1110, Federal Aviation Act of 1958, (49 U.S.C. §§ 1348(a), 1354(c), and 1510); Sec. 6(c) Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.65).

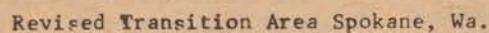
Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Seattle, Washington, November 13, 1980.

Jonathan Howe,

Acting Director, Northwest Region.

BILLING CODE 4910-13-M



Federal Highway Administration**23 CFR Part 635****[FHWA Docket No. 80-1]****Buy America Requirements: Proposed Revisions****AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Federal Highway Administration (FHWA) requests comments on proposed revisions to its Buy America regulation. The revised regulation would require the use of domestic steel construction materials on most federally-assisted highway projects. These proposed revisions are being issued in response to comments received on the emergency regulation issued on November 17, 1978.

DATE: Comments must be received on or before January 23, 1981.

ADDRESS: Interested persons are invited to submit written comments to FHWA Docket No. 80-1, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comment must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Peter R. Picard, Construction and Maintenance Division, (202) 426-4847, or Stanley H. Abramson, Office of the Chief Counsel, (202) 426-0762, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On November 6, 1978, the President signed into law the Surface Transportation Assistance Act of 1978 (STAA), Pub. L. 95-599, 92 Stat. 2689. The provisions of Section 401, Buy America, were effective immediately and required immediate implementation. A final rule was issued under emergency procedures on November 17, 1978 (43 FR 53717). Comments on the regulation were invited and received in FHWA Docket No. 78-35 through January 17, 1979.

The revised regulation would include the following major elements:

1. The coverage of the Buy America requirements would be extended to all steel construction materials in highway construction projects. No other materials would be covered. Contracts for projects

concerning equipment and ferry boats would follow 49 CFR 660, the Buy America requirements issued by the Urban Mass Transportation Administration in December 1978 (43 FR 57145).

2. Buy America requirements would continue to apply to all Federal-aid highway construction projects estimated to cost over \$450,000. However, the requirements would not prevent *de minimus* use of foreign steel, if the amount of foreign steel used does not exceed one-tenth of one percent (0.1 percent) of the total contract and domestic steel is otherwise required. This would avoid unnecessary red tape on projects where foreign steel is used in truly insignificant amounts.

3. The current alternate bidding procedure would apply on all projects where structural steel would be permanently incorporated into highway bridges and tunnels.

4. Procedures would be included under which State highway agencies could request waivers of the Buy America requirements in the public interest or for steel construction materials which are not in sufficient or reasonably available supply and of a satisfactory quality from domestic sources.

5. Projects funded as part of the territorial highway program would be covered under the proposed requirements.

6. Buy America requirements would not be covered by the optional Certification Acceptance Procedures (23 CFR 640), because the Buy America statute is not a part of Title 23 of the United States Code (U.S.C.).

7. Several clarifying definitions would be added to the regulation. For example, a definition of "overall project contract" would be added to make clear that the 10 percent domestic preference applies to each contract and not to an overall project which may consist of several contracts. A definition of "equipment" would be added to exclude items which would be incidental to highway construction and not intended to be permanent improvements to land.

Thirty-two comments were received in response to issuance of the current regulation. These comments were submitted by representatives of the following interest groups: 11 steel producers and suppliers, 9 government agencies, 7 port authorities and steel importers, and 5 other interested parties. A complete summary and analysis of these comments has been prepared and placed in the public docket (78-35). The major comments and FHWA's responses are summarized below.

Five respondents indicated support for the Buy America provision and nine respondents indicated opposition. The State highway agencies generally supported the concept of Buy America preference. Comments from the domestic steel industry and the import industry were diametrically opposite. The steel industry requested expansion of the scope of the regulation and the import industry wanted complete rescission of Buy America.

Sixteen responses were received on the scope or applicability of the regulation to specific materials. Again, the steel and import industry points of view were opposite. The State highway agencies urged caution in expanding the scope of the regulation to specific products such as portland cement, aluminum products, paint, asphalt, galvanized products, signal controllers, prestressing strand, steel culverts, various plastic products, fertilizer, and other small structural steel shapes.

Foreign steel has been identified as the only foreign commodity having a significant nationwide effect on the cost of Federal-aid highway construction projects. Its continued unrestricted use is contrary to Section 401 of the STAA. Therefore, it is proposed to implement Buy America for steel products only, with the provision that the FHWA may grant waivers based on the public interest or on factual justification of shortages and nonavailability. Two other types of commodities are used in large amounts as materials for Federal-aid highway construction: natural materials, such as sand, stone, gravel, and earth materials; and petroleum and petroleum-based products, such as fuels, lubricants, and bituminous products. Foreign competition in natural materials is not experienced, because of the difficulty and high cost of transportation due to their bulk and weight. For this reason, these materials are usually procured on or near the construction site and have been virtually all domestic, not requiring the protection of Buy America. Petroleum and petroleum-based products are not available from domestic sources in sufficient and reasonably available quantities. Other products are not used in sufficient quantity to have any appreciable effect on the overall cost of a project and do not require protection. It is therefore, proposed to waive application of Section 401 on all products other than steel.

The import industry contended that the existing regulation would lead to increased inflation, particularly on the West Coast of the United States. A survey of contracts awarded from

December 1977 through April 1979, which would be subject to the current regulation, indicated that a very small quantity (1,300 tons) of structural steel was included in Federal-aid highway projects for this period. The West Coast steel importers furnished information that 250,000 tons of structural steel of the type covered by the current regulation were handled in a typical year through California ports. Although usage factors are subject to variation, FHWA concluded that only about one-half of one percent of West Coast imported steel was destined for Federal-aid highway projects during that period.

The import industry also contended that widespread unemployment would result in its sector if the current regulation was implemented. Again, the small amount of structural steel used during the recent past would appear to dispute the import industry's contention.

The following specific questions about application and intent of the current regulation were raised by several comments.

1. Q: Does the regulation apply to miscellaneous steel items such as guardrail posts and hardware? A: The proposed rule would require domestic steel construction materials for this work on all projects over \$450,000.

2. Q: What is meant by "domestic"? A: A definition has been included in the proposed rule. The definition incorporates guidance previously provided to FHWA field offices on this subject.

3. Q: What is FHWA's authority and/or reasoning for expanding coverage to projects costing less than \$500,000? A: At the time of project approval by FHWA, only estimated costs are available. The final contract amount could exceed the estimate by a nominal amount (say 10 percent) and still result in a contract award. If the estimate were less than \$500,000, the Buy America provisions were not followed, and the low bid exceeded \$500,000, the contract could not be awarded because of lack of Buy America preference as specified by law. The FHWA considers this expansion of applicability reasonable and proper to allow the program to continue without undue red tape and administrative difficulties. Its effect should be minimal.

An alternative is available which would allow the FHWA regulation to match the \$500,000 applicability level of Section 401. It would be applied after bids are received, but would require alternative bids for all projects on which structural steel is to be permanently installed on highway bridges and tunnels. This alternative is considered to be more administratively burdensome than the proposed rule. The FHWA

expressly solicits comments from the public on the merits of this alternative for use in developing the final regulation.

Several modifications were suggested to further reduce the administrative problems of complying with the regulation.

1. Two State highway agencies suggested that the contract should contain a significant amount of structural steel before the alternate bidding requirements are necessary, since small quantities of structural steel could not possibly have an overall 10 percent effect on project costs. The FHWA agrees and proposes to apply the alternate bid requirements only where structural steel is required for construction of highway bridge or tunnel structures. With this change, the alternate bidding requirements would not be applicable to minor quantities of structural steel, and domestic steel would be required.

2. One State highway agency asked that specific penalty provisions be established for violations. The FHWA does not consider this action necessary since the contracting agency has the obligation and authority to apply normal contract remedies for items which do not meet contract requirements or specifications.

3. One State suggested that a "Certification of Compliance" should be required. The FHWA does not agree, but will allow contracting agencies to require such a certificate at their option.

4. One steel company suggested a change of the definition of "domestic" to "not more than 25 percent of components derived from foreign origin." The FHWA does not agree since the legislative history of the STAA suggests that Buy America be applied in accordance with the Buy America Act of 1933 (41 U.S.C. 10a-d), and the Federal Procurement Regulations (41 CFR 1-18.6), which apply the 50 percent criterion.

5. One importer suggested that the 10 percent preference should apply only to the costs of materials. The FHWA does not agree since this is not consistent with the language of the STAA.

Docket Number 80-1 has been assigned to this proposed regulation and the public is invited to submit comments. The comments should specifically address the effect of the proposed regulation on the highway and steel industries and the effect of the procedures on the Federal-aid program in the States. Comments on the scope of coverage, particularly as revised in this notice of proposed rulemaking, should be supported by verifiable facts and figures wherever possible. The FHWA is

also interested in receiving reliable information concerning the cost differential between domestic and foreign steel, the economic effects of the current and proposed regulations, and any effects of the regulations on small businesses.

Note.—The Federal Highway Administration has determined that this document contains a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. A draft regulatory analysis is available for inspection in the public docket and may be obtained by contacting Mr. Peter R. Picard, of the FMWA Construction and Maintenance Division at the address specified above.

In consideration of the foregoing, and under the authority of Section 401, Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2689; 23 U.S.C. 315; and 49 CFR 1.48(c)(1), it is proposed to amend Chapter I of Title 23, Code of Federal Regulations, by revising § 635.410 to read as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued on: November 17, 1980.

John S. Hassell, Jr.,

Federal Highway Administrator.

635.410 Buy America requirements.

(a) *Applicability.* The requirements of this section apply to all Federal-aid highway construction projects estimated to cost more than \$450,000. These requirements also apply to projects funded as part of the territorial highway program. Projects concerning equipment and ferry boats authorized under Title 23, U.S.C., shall comply with the requirements of 49 CFR 660 as issued by the Urban Mass Transportation Administration (43 FR 57145, December 6, 1978).

(b) *Definitions.*

(1) "Component"—any article, material, or supply directly incorporated in construction material.

(2) "Construction material"—any article, material, or supply brought to the construction site for incorporation into the project. An individual construction material is the smallest single item, subassembly, or assembly which is delivered to the construction site.

(3) "Domestic"—manufactured in the United States, if the costs of components which are mined, produced or manufactured in the United States exceed 50 percent of the costs of all components. The cost of components

includes all transportation costs to the place of incorporation into the construction material and the duty imposed on components of foreign origin.

(4) "Equipment"—any moveable personal property such as vehicles or machinery, but excluding permanent structures, appurtenances, and improvements upon real property incidental to highway construction.

(5) "Overall project contract"—means each individual third party contract for a discrete portion of the overall project.

(6) "Structural steel"—steel sheet piling, H-piling, I-beams, plates, channels, angles, and/or T-sections.

(7) "United States"—the 50 States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States of America.

(c) *General.* All steel construction materials which are to be permanently incorporated into applicable projects are to be domestic origin except to the extent provided by one or more of the following provisions:

(1) The competitive bidding procedure set forth in paragraph (d) of this section results in an award of contract based on the foreign steel alternate. In this case, the use of foreign steel is acceptable, but is not mandatory, however, payment will be made at the unit price bid for foreign steel.

(2) Where domestic steel is otherwise required in compliance with the requirements of this section, foreign steel may be supplied in minor amounts not to exceed one-tenth of one percent (0.1 percent) of the total contract cost. Such minor amounts shall be considered in compliance with the requirements of furnish domestic steel.

(3) The FHWA has approved a waiver of applicability of the provisions of Section 401(a) of the Surface Transportation Assistance Act of 1978 (STAA), Pub. L. 95-599, 92 Stat. 2689, under paragraph (e)(2) of this section.

(4) The State elects to use standard contract provisions that have been in effect since the date of enactment of STAA (November 6, 1978) that favor the use of domestic materials and products, including steel construction materials, to the same or greater extent than the provisions here set forth.

(d) *Competitive bidding procedure.*

(1) If a project structural steel to be permanently incorporated into the highway bridge and tunnel structures, the bidding procedures set forth in paragraph (d)(3) of this section shall be used.

(2) If a project includes steel construction materials, other than structural steel, in sufficient quantity that inclusion of domestic material may

increase the cost of the overall project contract by more than 10 percent, a State may adopt the competitive bidding procedure set forth in paragraph (d)(3) of this section with FHWA concurrence.

(3) The bidding procedure set forth below shall be used in accordance with the requirements of paragraphs (d)(1) and (d)(2) of this section:

(i) A separate bid item shall be established for steel in accordance with the State highway agency's normal contracting methods.

(ii) For each such item, bidders are to be given the option of:

(A) Submitting a bid for domestic steel, or

(B) Submitting a bid for domestic steel and a bid for foreign steel.

(iii) Bidders are to be advised that the basis of award shall be the lowest responsive total bid based on domestic steel unless that bid exceeds the lowest responsive total bid based on foreign steel by more than 10 percent, in which case the award shall be made to the lowest responsive, responsible bidder. A suggested bidding provision entitled "Information Regarding Buy America Procedures" is included as an Appendix for this purpose.

(e) *Waivers.*

(1) The requirements of this section are not applicable to materials other than steel construction materials.

(2) A State may request a waiver of the provisions of Section 401(a) of the STAA if:

(i) The application of those provisions would be inconsistent with the public interest; or

(ii) Supplies of the class or kind to be used in the manufacture of articles, materials, supplies are not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality.

(3) A request for waiver, accompanied by supporting information, must be submitted in writing to the Regional Federal Highway Administrator (RFHWA) through the FHWA Division Administrator. A request must be submitted sufficiently in advance of the need for the waiver in order to allow time for proper review and action on the request.

(4) Requests for waivers may be made for specific projects, or for certain materials or products in specific geographic areas, or for combinations of both, depending on the circumstances.

(5) The denial of a request by the RFHWA may be appealed by the State to the Federal Highway Administrator, whose action on the request shall be considered administratively final.

(6) A request for waiver and an appeal for a denial of a request must include facts and justification to support the granting of the waiver. The FHWA response to a request or appeal will be in writing and made available to the public on request.

(7) In determining whether the waivers described in paragraph (e)(2) will be granted, the FHWA will consider all appropriate factors including, but not limited to, the cost, "redtape," and delay that would be imposed if the provision were not waived.

Appendix—Suggested Alternate Bidding Provision—Information Regarding Buy America Procedures

(a) Section 401 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599) generally requires that only domestic construction material be used in the performance of this contract. The implementing regulations applicable to this contract (23 CFR 635.410) provide that this requirement applies only to steel construction materials.

(b) Alternative bids will be accepted for foreign structural steel (i.e., sheet piling, H-piling, I-beams, plates, channels, angles, and/or T-sections) to be permanently installed in highway bridge or tunnel structures on this project, and for other steel construction materials if alternate bid items are included in the bid schedule.

(c) If the bidder desires to submit a bid for such foreign materials, the bidder must also submit an alternate bid for such materials from domestic sources. Failure to do so shall result in such bid being considered irregular.

(d) The award of contract will be based on the lower of the following:

(1) the lowest total bid based on domestic steel; or

(2) 110 percent of the lowest total bid based on the foreign steel alternate (the amount of the contract will be based on the actual bid).

(e) If the basis of award is domestic steel, foreign steel shall not be used. If the basis of award is foreign steel, either domestic or foreign steel shall be acceptable. In the latter case, payment will be made at the unit price for foreign steel.

(f) Domestic means manufactured in any of the 50 States, the District of Columbia, Puerto Rico, and other territories and possessions of the United States of America, if the costs of components which are mined, produced, or manufactured in the United States exceed 50 percent of the costs of all components. The costs of components include all transportation costs to the place of incorporation into the construction material and any duty

imposed on components of foreign origin.

(g) Where domestic steel is otherwise required by this contract, foreign steel may be supplied in minor amounts not to exceed one-tenth of one percent (0.1 percent) of the total contract cost.

[FR Doc. 80-36288 Filed 11-21-80; 8:45 am]

BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 117

[CGD 80-147]

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Houma Navigation Canal, Bayou La Carpe and Bayou Terrebonne, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Terrebonne Parish Police Jury, the Coast Guard is considering changing the regulations governing the East Park Avenue, East Main Street and Bayou Dularge bridges over the Gulf Intracoastal Waterway, mile 57.6, 57.7 and 59.9 respectively; the State Highway 661 bridge over the Houma Navigation Canal, mile 36.0; the State Highway 661 bridge over Bayou La Carpe, mile 7.5; and, the Daigeville bridge over Bayou Terrebonne, mile 35.5. All bridges are in Houma, Louisiana.

The six bridges are low level except Bayou Dularge which is a semi-high rise with a vertical clearance of 40 feet in the closed position. All bridges presently are required to open on signal at any time.

The proposed change is being considered in the form of two options: Option 1 would allow the draw of each bridge to remain closed from 7:00 to 8:30 a.m. and 4:30 to 6:00 p.m., Monday through Friday except holidays. Option 2 would divide the closure in the morning and afternoon, respectively, into two 45 minute intervals separated by an opening of the draw not to exceed 10 minutes to pass waiting navigation. Both options are intended to relieve overland traffic congestion during peak morning and afternoon vehicular traffic periods, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before December 29, 1980.

ADDRESS: Comments should be submitted to and are available for examination from 9:00 a.m. to 3:00 p.m., Monday through Friday, at the Eighth Coast Guard District, Bridge

Administration Branch, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT:

Joseph Irico, Chief, Bridge Administration Branch, at the address given above (504-589-2965).

SUPPLEMENTARY INFORMATION:

Interested parties are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reason for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclosed a stamped self addressed postcard or envelope.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of the Proposed Regulation

Waterway activity (largely barge tows) on the four waterways in the vicinity of the six bridges has remained basically unchanged, judging from the relatively constant number of bridge openings for the past five years for each bridge. In order of activity, the yearly openings were about 20,500 for the East Main and East Park bridges over the Gulf Intracoastal Waterway, 15,000 for State Highway 661 bridge over Houma Navigation Canal, 7500 for Bayou Dularge bridge over the Gulf Intracoastal Waterway, 5000 for State Highway 661 bridge over Bayou La Carpe and 2400 for Daigeville bridge over Bayou Terrebonne. East Park and East Main are in such close proximity to each other that they can be considered as one bridge.

Together with the Houma Tunnel, the six bridges operate as an integrated overland transportation system. A closure to vehicular traffic of one or more of the bridges during peak traffic periods interrupts the system and further overburdens the other crossings.

Temporary closures of the bridges to navigation have been authorized on seven (7) separate occasions to relieve overland traffic congestion, when the East Main Street bridge was inoperative and unavailable for vehicular use. These closures were for 1½ hours each in the morning and afternoon, Monday through Friday. The closure clock times were basically like those now being proposed in Option 1 and were in effect

intermittently between April 1977 and March 1979.

Data submitted by the Louisiana Department of Transportation and Development indicate that:

(1) In January 1980, the daily average number of vehicles crossing the six bridges was as follows during the proposed morning and afternoon closure period, Monday through Friday:

Bridge	Vehicles 7-8:30 a.m.	Vehicles 4:30-6:00 p.m.
East Main.....	1,785	2,352
East Park.....	579	740
Houma Navigation Canal.....	698	838
Bayou Dularge.....	916	994
Bayou La Carpe.....	838	1,081
Daigeville.....	(¹)	(¹)

¹ Not available but should be similar to East Park.

(2) During 1978, the daily average number of bridge openings and their total duration for the six bridges were as follows during the proposed morning and afternoon closure periods, Monday through Friday:

Bridge	Open- ings 7- 8:30 a.m.	Total dura- tion (min- utes)	Open- ings 4:30-6 p.m.	Total dura- tion (min- utes)
East Main.....	2.7	26	3.0	30
East Park.....	2.6	24	3.0	29
Houma Navigation Canal.....	2.1	18	2.2	16
Bayou Dularge.....	0.8	5	1.0	7
Bayou La Carpe.....	0.6	4	1.0	6
Daigeville.....	(¹)	(¹)	(¹)	(¹)

¹ Not available but should be less than the other bridges.

(3) The data indicate that East Main, the key bridge in the system, is available to pass overland traffic 64 minutes or 71% of the time in the morning, for a total of 1785 vehicles, and 60 minutes or 67% of the time in the afternoon, for a total of 2352 vehicles. Were the bridge available the full 90 minutes, an additional 725 vehicles could pass in the morning and 1176 in the afternoon, the number of vehicles now theoretically being delayed.

(4) One of the seven temporary closures mentioned above was between August 1, and September 22, 1978. During that time, the daily average number of barge tows delayed was about 5.3 in the morning and 8.0 in the afternoon for all bridges. The daily average time required for all waiting vessels to completely clear the bridges when the draws were opened after the closure periods was as follows:

Bridge	Time to clear bridges (minutes)	
	a.m.	p.m.
East Park	17.3	19.4
Houma Navigation Canal	11.3	13.3
Bayou Dularge	8.6	6.6
Bayou La Carpe	6.0	4.8

Option 2 which would close the draw of each bridge for 45 minutes, opening it for 10, and then closing it for another 45 minutes, should cut the time for navigation to clear each bridge by half. Using the times given above, reduced by half, yields a time to clear of 10 minutes or less. While the 10 minute opening would cause some delay to overland traffic, this delay would be offset by a corresponding gain for this traffic since the next opening would be of shorter duration because of fewer vessels waiting to pass.

The Coast Guard feels that both of the proposed options would provide relief to overland traffic during peak morning and afternoon traffic periods with Option 2 probably having the lesser effect on navigation. In any event, the reasonable needs of navigation should be met, particularly if barge movement is scheduled to allow for the closures.

The Louisiana Department of Transportation and Development presently is planning to replace both East Main and East Park bridges with high-level fixed bridges. When this project materializes, operating restrictions for other bridges may no longer be necessary.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.537 as set forth in either Option 1 or 2 below:

§ 117.537 Gulf Intracoastal Waterway, mile 57.6 (East Park Ave.), mile 57.7 (East Main St.) and mile 59.9 (Bayou Dularge); Houma Navigation Canal, mile 36.0 (State Highway 661); Bayou La Carpe, mile 7.5 (State Highway 661); and, Bayou Terrebonne, mile 35.5 (Daigleville), all at Houma, LA.

Option 1: The draws need not open for the passage of vessels Monday through Friday except holidays, from 7:00 a.m. to 8:30 a.m. and 4:30 p.m. to 6:00 p.m. At all other times, the draws shall open promptly on signal.

Option 2: The draws need not open for the passage of vessels Monday through Friday except holidays from 6:50 a.m. to 7:35 a.m. and 7:45 a.m. to 8:30 a.m.; from 4:20 p.m. to 5:05 p.m. and 5:15 p.m. to 6:00 p.m. At all other times, the draws shall open promptly on signal.

(Sec. 5, 28 Stat. 363, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: November 14, 1980.

P. A. Yost,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 80-36579 Filed 11-21-80; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 7

[AS-FRL-1679-4]

Proposed Consolidated Non-discrimination Regulations

November 17, 1980.

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent.

SUMMARY: The Environmental Protection Agency gives notice that its proposed consolidated non-discrimination regulations will be ready for publication on or about December 6, 1980. This regulation will implement Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, and Section 13 of the Clean Water Act of 1977.

FOR FURTHER INFORMATION CONTACT:

Bob C. Downes (202) 755-0540.

Eduardo Terrones,

Director, Office of Civil Rights

[FR Doc. 80-36535 Filed 11-21-80; 8:45 am]

BILLING CODE 6560-36-M

40 CFR Part 52

[A-2-FRL 1677-1]

Air Pollution Control: Recommendation for Alternative Emission Reduction Options Within State Implementation Plans; Proposed Revision to the New Jersey State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and amendment to policy statement.

SUMMARY: EPA proposes to conditionally approve Subsection (c)(4) and (c)(5) of New Jersey Administrative Code (N.J.A.C.) 7-27-16.6, which contain provisions for "bubbles" involving multiple sources of volatile organic compounds (VOCs) emissions. EPA proposes not to require that each bubble adopted under these sections be submitted as a SIP revision, on the

grounds that such VOC bubbles do not involve action by the state requiring EPA approval.

EPA is proposing in this same notice to amend its "bubble" policy to permit VOC sources to adopt bubbles involving emission points in more than one Control Technology Guideline category (CTG), as well as to offer other states with bubble rules like New Jersey's the opportunity in some circumstances to avoid the need for each bubble to be approved as a SIP revision.

DATES: Comments must be submitted on or before December 24, 1980.

ADDRESS: All comments should be addressed to: Richard G. Rhoads, Control Programs Development Division (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278. (212) 264-2517.

SUPPLEMENTARY INFORMATION:

I. The EPA Bubble Policy.

On December 11, 1979, EPA published its bubble policy. 44 FR 71779. In that policy, EPA set out criteria for permitting sources to have adopted into the State Implementation Plan (SIP) alternative, more cost-effective emission limits to those previously specified in an existing SIP. These criteria included a statement that each bubble had to be submitted as a SIP revision. 44 FR 71782. In addition, the policy noted that for sources located in ozone nonattainment areas, where there is no plan demonstrating attainment of the ozone ambient air quality standard by the statutory deadlines, bubbles would only be allowed if they included emission points which are in the same category of sources of volatile organic compounds, (VOCs) defined by a Control Techniques Guideline (CTG).¹ The bubble policy also provided that emission points involved in a proposed bubble be in compliance with the SIP or on a compliance schedule in order to be able to use the bubble policy, and contained restrictions on certain types of trades among pollutants, such as prohibiting trading increased toxic hydrocarbon emissions against decreases in nontoxic hydrocarbon emissions. See generally 44 FR 71780-85.

¹ CTGs are issued by EPA to provide guidance to the states and sources regarding what constitutes Reasonably Available Control Technology (RACT) for control of VOCs. Each CTG covers a particular category of VOC sources.